

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Carl Blake Brock, # 08560-003,)	C/A No. 5:10-2821-MGL-KDW
)	
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Catherine Bowman, Radiology Tech,)	
)	
)	
Defendant.)	
)	
)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging claims pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff filed a Motion for Summary Judgment on October 21, 2013. ECF No. 163. Defendant filed a response in opposition to Plaintiff's Motion for Summary Judgment, ECF No. 165, and her own Motion for Summary Judgment on November 8, 2013, ECF No. 164. As Plaintiff is proceeding pro se, the court entered an order on November 12, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 166. Plaintiff was informed that his response was due by December 16, 2013 (34 days from the date of the order), and was specifically advised that if he failed to respond adequately, Defendant's motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the Motion. As such, it appears to the court that Plaintiff does not oppose the Motion and wishes to abandon his action against

Defendant. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's Motion for Summary Judgment by **January 23, 2014**. Plaintiff is further advised that if he fails to respond, this action against Defendant may be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 9, 2014
Florence, South Carolina

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

Kaymani D. West
United States Magistrate Judge